

60246-142
9639

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James William Otter
Serial No.: 09/927,274
Filed: August 10, 2001
Group Art Unit: 3743
Examiner: Flanigan, Allen J.
Title: BLACK LAYER COATED HEAT EXCHANGER

FAX RECEIVED

OCT 23 2002

GROUP 3700

REQUEST FOR RECONSIDERATION

BOX AF
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This paper is responsive to the Advisory Action mailed on October 9, 2002. Claims 1-5 and 21 and 22 remain in this application, and Claims 6, 7 and 9-20 have been withdrawn from consideration.

Claims 1-5, 21 and 22 stand rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of Thery. Applicant's claims require the step of applying a layer of oxidizable material on two sides of a heat exchanger. In Smith, the highly emissive material is only applied to one side of the radiator 24. Neither Smith nor Thery discloses the step of applying a layer of oxidizable material to two surfaces as required by Applicant's claims, and Applicant's claims are not obvious.


Additionally, applying the oxidizable material to two surfaces of the heat exchanger as required by Applicant's claims provides additional advantages. Coating both the inner surface and the outer surface of the heat exchanger increases the emissivity of the heat exchanger, allowing for an additional increase in heat exchanger efficiency and a reduction in the size of the heat exchanger. Applicant's claims are not obvious, and Applicant respectfully requests that the rejection be withdrawn.

60246-142
9639

Thus, claims 1-5 and 21-22 are in condition for allowance. Applicant has also herewith filed a Notice of Appeal. The Commissioner is authorized to charge the \$320.00 Notice of Appeal fee to Deposit Account No. 50-1482, in the name of Carlson, Gaskcy & Olds, P.C. No additional fees are due. If any additional fees are due, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

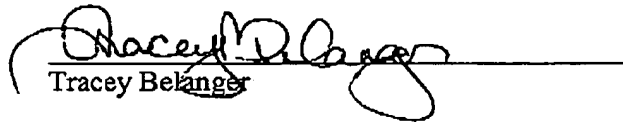


Karin H. Butchko
Registration No. 45,864
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: October 23, 2002

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, TC 3700, after Final, 703-872-9303 on October 23, 2002.


Tracey Belanger